



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/519,197	03/06/2000	David Page	109140-0002	8386

35408 7590 06/01/2004

ANTHONY MIELE
PALMER & DODGE, LLP
111 HUNTINGTON AVENUE
BOSTON, MA 02199

EXAMINER

O CONNOR, GERALD J

ART UNIT	PAPER NUMBER
----------	--------------

3627

DATE MAILED: 06/01/2004

22

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/519,197

Applicant(s)

Page et al.

Examiner

O'Connor

Art Unit

3627



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on January 20, 2004 and February 27, 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-14 is/are pending in the application.
- 4a) Of the above, claim(s) none is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on March 31, 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other: _____

DETAILED ACTION

Preliminary Remarks

1. This Office action responds to the amendment filed by applicant on February 27, 2004 (Paper N^o 21) in reply to the Office action mailed February 12, 2004, and to the arguments filed by applicant on January 20, 2004 (Paper N^o 19) in reply to the Office action mailed July 18, 2003.
2. The amendment of claim 8 and the cancellation of claims 1-7 and 15-25 by applicant in Paper N^o 21 are hereby acknowledged.

Claim Objections

3. Claim 8 is objected to because of the following informality: no period at the end of the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 8-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bezos et al. (US 6,029,141).

Bezos et al. disclose an electronic commerce system for communicating with a user (the “associate”) via a client machine of the user connected to a global computer network, the system comprising: a server 132 connected to the global computer network 104; a database 148, 160, accessible to the server, storing the identity of the user, a plurality of contacts (the “customers”) designated by the user, and contact information facilitating communication with the contacts; a graphical user interface suitable for displaying a web page provided by the server, the graphical user interface attached to the client machine; an order designated and entered via the graphical user interface 136-3, the order designating at least one product from a list of products accessed via the graphical user interface; a message 120 from the user recommending a purchased product, the message pertaining to the order and entered via the graphical user interface for transmitting to at least one of the contacts; and, wherein the server transmits the message to the at least one contact, but Bezos et al. do not specifically disclose that the user (the “associate”) purchases the product(s) themselves at any time prior to recommending the product(s) to the contact(s).

However, providing recommendations only for products with which one is familiar is a well known, hence obvious, step to follow in the field of providing recommendations.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have modified the method of Bezos et al., if necessary, so as to only provide recommendations for products that the user had already purchased, as is well known to do, so that

the recommendations would be based on first hand experience with the products and therefore carry considerably more weight/credibility, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

Regarding claim 9, the server of Bezos et al. is configured to monitor whether the at least one designated contact subsequently purchases a product to facilitate reward of the user.

Regarding claims 10-12, the list of products in the system of Bezos et al.: comprises goods, services, or goods and services; is embedded in computer instructions; and, is stored in a computer 106 accessible over the network 104.

Regarding claim 13, the client machine in the system of Bezos et al. is configured to display the interface and to transmit to the server the list of products, the contact, and the message.

Regarding claim 14, the server in the system of Bezos et al. is further configured to process orders for products, the server checking for credit entries in the database when processing an order from the user and to adjust the order based on any located entries.

Response to Arguments

6. Applicant's arguments filed Jan. 20, 2004 have been fully considered but are not persuasive.

7. The arguments regarding the previous prior art rejections have been considered, but have been rendered moot by applicant's amendment, and the consequent new grounds of rejection.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to the disclosure.

9. Applicant's amendment necessitated any new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

10. Any inquiry concerning this communication, or earlier communications, should be directed to the examiner, **Jerry O'Connor**, whose telephone number is **(703) 305-1525**, and whose facsimile number is **(703) 746-3976**.

The examiner can normally be reached weekdays from 9:30 to 6:00.


Inquiries of a general nature or simply relating to the status of the application should be directed to the receptionist, whose telephone number is **(703) 308-1113**.

If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Mr. Robert Olszewski, can be reached at (703) 308-5183.

Official replies to this Office action may be submitted by any *one* of fax, mail, or hand delivery. **Faxed replies are preferred and should be directed to (703) 872-9306** (fax-back auto-reply receipt service provided). Mailed replies should be addressed to "Commissioner of Patents and Trademarks, Washington, DC 20231." Hand delivered replies should be left with the receptionist on the seventh floor of Crystal Park Five, 2451 Crystal Dr, Arlington, VA 22202.

GJOC

May 28, 2004


ROBERT P. OLSZEWSKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600